

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

v.

GENTRY DEBORD,

Defendant.

Case No.: 16-CR-1457-JLS

**ORDER EXCLUDING TIME FROM
AUGUST 5, 2016 TO OCTOBER 14,
2016 UNDER 18 U.S.C. § 3161(h)(1)(D)
AND 18 U.S.C. § 3161(h)(7)**

The Court finds as follows:

1. On August 5, 2016, the parties appeared before the Court for a motion hearing and trial setting. At the hearing, defense counsel noted, and the United States concurred, that a discovery motion remained pending, and that there had been since it was filed and continued to be open discovery matters that had not yet been resolved by a hearing or other disposition as envisioned by 18 U.S.C. § 3161(h)(1)(D).

2. The parties also described a factual basis under 18 U.S.C. § 3161(h)(7), in that the ends of justice in the delay of the motion hearing and trial setting date had and continued to outweigh the interests of the public and the defendant in a more expeditious trial, including the unusual nature of the case, the voluminous discovery produced to the defendant, and defense counsel's need for additional time to review the materials and to evaluate how to defend the case.

3. The parties subsequently filed a joint motion to (1) continue the motion hearing and trial setting hearing from August 5, 2016 to October 14, 2016; and (2) to exclude the time between August 5, 2016 to October 14, 2016 for Speedy Trial Act purposes.

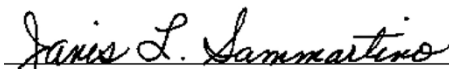
4. The Court reiterates and hereby makes explicit its findings made at the August 5, 2016 hearing that the time from the August 5, 2016 hearing date until October 14, 2016, the new motion hearing and trial setting date set by the Court, shall be excluded from the Speedy Trial Act calculation, as follows:

1 10. In the alternative, the Court finds that time shall be excluded under the Speedy Trial Act,
2 18 U.S.C. § 3161(h)(1)(D), based on the pending defense motions pertaining to discovery, filed on July
3 8, 2016, and the need for a continuance to address the issues raised in those motions.

4 WHEREFORE, good cause having been shown, and pursuant to 18 U.S.C. § 3161(h)(1)(D)
5 (pending motions) and 18 U.S.C. § 3161(h)(7)(A) (in the interests of justice and the complexity of the
6 case, among other factors) it is hereby ORDERED that the time from August 5, 2016 to October 14, 2016
7 is excluded from Speedy Trial Act calculations.

8 IT IS SO ORDERED.

9
10 Dated: August 30, 2016


Hon. Janis L. Sammartino
United States District Judge